

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450**

Appl No.: **10/759,268**  
Applicant: **Yang-Chih Shih et al.**  
Filing Date: **09/23/2005**  
Art Unit: **1652**  
Examiner: **Rosanne Kosson**  
Attorney Docket No.: **19306-003**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO ELECTION/RESTRCTION REQUIREMENT**

The Office considered the claims of the present application to be directed to patentably distinct inventions. Specifically, the Examiner required restriction to one of three inventions:

- I. Claims 1-13
- II. Claims 1-13
- III. Claims 1-13
- IV. Claims 1-13
- V. Claims 1-13

In addition, the Office considered the claims of the present application to be directed to patentably distinct species. Specifically, the Examiner required election of an animal species, with respect to claims 9, 11 and 13.

The applicant hereby makes a provisional election, with traverse, to prosecute the invention of group II, a method for determining the presence or absence of a 16S ribosomal RNA gene in food. Further, the applicant hereby provisionally elects, with traverse, the animal species of fish. Non-elected species are hereby withdrawn. Please note this paper is accompanied by a Preliminary Amendment.

**Request For Allowance**

Claims 14-19 are pending in this application. The applicant hereby respectfully requests allowance of all pending claims.

Respectfully submitted,

By\_\_\_/Anthony S. King/\_\_\_  
Anthony S. King  
Registration No. 49,063  
April 5, 2007

WPAT, P.C.  
Intellectual Property Attorneys  
2030 Main Street, Suite 1300  
Irvine, CA 92614  
Telephone (949) 260-4797  
Fax (949) 202-5595